

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew N. Parfomak on Thursday, December 18, 2008.

The application has been amended as follows:

Claim 1. A mousetrap comprising:

an enclosure comprising a base having an upwardly extending spindle, a top rotatable about said spindle, ~~and an aperture~~ apertures located on each of the top and the base, wherein the enclosure is in an open position upon substantial alignment of the apertures; and

a trigger mechanism comprising a lever arrangement and a biasing means ~~operably connected to the top~~, the top comprising a strike plate connected thereto and extending downwardly therefrom within an interior of the enclosure and substantially at a right angle[[s]] to the top, the base comprising a catch plate connected to the base and extending depending upwardly therefrom within an interior of the enclosure and substantially at a right angle[[s]] to the base,

wherein the enclosure, when in the open position, is able to admit a mouse into the enclosure and when in the closed position, the apertures are not in substantial alignment,

the mousetrap being set to incapacitate or kill the mouse by manual rotation of the top relative to the base to open the enclosure by substantial alignment of the apertures, the enclosure being held open against a [[the]] force of the biasing means by engagement of the lever arrangement with a stop means;

the mousetrap being activated to trap the mouse by disengaging the lever arrangement from the stop means and causing the top to contra-rotate about said spindle and relative to the base under the force of the biasing means so as to close the enclosure, and cause the strike plate connected to the top to move in a [[the]] direction of the catch plate and thereby incapacitating or killing the mouse by striking the mouse with the strike plate and incapacitating or killing the mouse between the strike plate and the catch plate,

Claim 4. The mousetrap according to claim 1 wherein the stop means comprises ~~the also serves as a strike plate, the strike plate being connected to the top and extending downwardly therefrom and substantially at right angles to the top such that upon contra-rotation of the top relative to the base under the action of the biasing means, the strike plate rotates with the top and contacts the mouse.~~

Claim 7. The mousetrap according to claim 6 wherein the one or more projections are in the form of angular kinks in profiles of the strike or catch plate ~~profiles~~.

Claim 8. The mousetrap according to claim 6 in which the one or more projections are in the form of spikes thereby impaling the mouse upon contact.

Claim 15. The mousetrap according to claim 13 wherein the bait housing is able to be loaded with bait from an ~~the~~ underside of the enclosure base.

Claim 18. The mousetrap according to claim 13 wherein the mousetrap is provided to a consumer with bait located within the bait housing.

Claim 34. The mousetrap according to claim 1, wherein the trigger arrangement comprises the ~~the~~ lever arrangement and the ~~the~~ biasing means operably connected to both the top and the base of the enclosure.

Claim 35. The mousetrap according to claim 1, wherein the lever arrangement defines a gap between a part of the lever arrangement and the base.

Claim 36. The mousetrap according to claim 35, wherein the mousetrap is activated to trap the mouse by a [[the]] raising of the lever arrangement in response to the mouse moving through the gap thereby disengaging the lever arrangement from the stop means and causing the top to contra-rotate about said spindle and relative to the base under the force of the biasing means so as to close the enclosure, and cause the strike plate connected to the top to move in the direction of the catch plate and thereby incapacitating or killing the mouse by striking the mouse with the strike plate and incapacitating or killing the mouse between the strike plate and the catch plate.

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose a mousetrap comprising the top comprising a strike plate connected thereto and extending downwardly therefrom within an interior of the enclosure and substantially at a right angle to the top, the base comprising a catch plate connected to the base and extending upwardly therefrom within an interior of the enclosure and substantially at a right angle to the base.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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